

Sean Driscoll – April 13, 2020

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:)	
)	
CUSTOMS AND TAX ADMINISTRATION OF)	
THE KINGDOM OF DENMARK)	CASE NO.
(SKATTEFORVALTNINGEN) TAX REFUND)	18-MD-2865 (LAK))
SCHEME LITIGATION)	
)	
This document relates to case nos.)	
18-CV-05308; 18-CV-05309; 18-CV-05305;)	
18-CV-05299; and 18-CV-05300)	

REMOTE VTC VIDEOTAPED DEPOSITION UNDER ORAL
EXAMINATION OF
SEAN DRISCOLL
DATE: April 13, 2020
REPORTED BY: MICHAEL FRIEDMAN, CCR

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1 THE COURT REPORTER: My name is
2 Michael Friedman, a Certified Shorthand
3 Reporter.

4 This deposition is being held via
5 videoconferencing equipment. The
6 witness and reporter are not in the same
7 room.

8 The witness will be sworn in
9 remotely, pursuant to agreement of all
10 parties.

11 The parties stipulate that the
12 testimony is being given as if the
13 witness was sworn in person.

14

15 S E A N D R I S C O L L ,

16 called as a witness, having been first
17 duly sworn according to law, testifies as follows:
18 Witness name

19

20 EXAMINATION BY MR. MCGOEY:

21 Q Good morning, Mr. Driscoll.

22 Greetings from my son's bedroom
23 where I will be conducting the deposition.

24 Thank you for agreeing to some the
25 somewhat unorthodox setup, but we'll do our

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1 Q Do you know how much money
2 Mr. Bradley received for his participation in
3 the dividend arbitrage strategy?

4 A I don't, no.

5 Q Do you know if he received a higher
6 percentage of the refund payments that you
7 received?

8 MR. ALLISON: Object to form.

9 A I don't.

10 Q Were you aware of how much
11 Mr. Tucci received?

12 A I'm not aware, no.

13 Q Are you aware of how much
14 Mr. Vergari received?

15 A Yes.

16 Q And how much did he receive?

17 A About the same amount, I think.

18 Q You testified that Daniel Fletcher
19 gave you a head's up that payments would be
20 coming into your personal savings account,
21 correct?

22 A Yes. He asked for the account
23 number.

24 Q Do you have any understanding of
25 whether he supplied the money that was paid

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1 to your account?

2 A I don't know.

3 Q Do you know where that money came
4 from?

5 A I do not, no.

6 Q Do you know who, if anyone, he was
7 speaking to at Solo in connection with those
8 payments?

9 A I don't know.

10 Q Did he tell you what he was going
11 to do with your bank account information?

12 A Well, I assumed that he was going
13 to transfer us money.

14 Q When you say "he was going to,"
15 what do you mean by that?

16 A Whoever his contact was or whoever
17 was going to be transferring this money. I
18 don't know.

19 Q Did you understand him to be
20 affiliated with Solo?

21 A Not -- not affiliated, per se, but
22 more of like an in-between of a relationship.

23 Q And do you recall anyone
24 specifically at Solo who he had a
25 relationship with?

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1 A Well, I assumed Sanjay, because
2 that's how we were all introduced to him.

3 Q You've testified about the
4 approximately \$139,000 that you received in
5 proceeds.

6 I just want to confirm that that's
7 the total of amount of money that you
8 personally received for your participation in
9 the dividend arbitrage strategy.

10 Is that correct?

11 A That's -- that's correct.

12 Q Did your -- did the Ackview plan
13 receive any money?

14 A No, it did not.

15 Q Did the Ackview, LLC receive any
16 money?

17 A No, it did not.

18 Q And did the SPD Trust receive any
19 money?

20 A No, it did not.

21 Q Do you know why the Ackview plan
22 stopped submitting requests to the Danish
23 government?

24 A I -- I don't know, but I requested
25 to stop trading in 2014.

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1 longer trade on the account, and you won't be
2 applying for certificates, et cetera, left
3 dormant. "

4 Did you -- did you have any
5 understanding of what he meant by
6 "certificates"?

7 A At the time, no.

8 Q Do you have an idea now?

9 A I assume probably the Acupay or
10 6166 certificates of some sort.

11 Q This is, again, another case where
12 Mr. Fletcher is acting as a go-between
13 between you and Solo?

14 A Yes.

15 Q And it was your understanding that
16 he instructed them that no more trading
17 should be done by the Ackview plan?

18 A Yes.

19 Q The bottom, you write, "What if I
20 get rid of the LLC, will that matter?"

21 Did you, in fact, close down the
22 LLC?

23 A Yes, I did.

24 Q Why don't you turn to Exhibit 117.

25 MR. MCGOEY: Mark this as Exhibit